

Serial No. 09/772,038
Reply to Office Action of January 13, 2005

REMARKS/ARGUMENTS

Claims 1-14, 16, 17, 20 and 21 are pending in this application. All claims are finally rejected.

The Examiner's review of the Application History, including withdrawal of the rejections under 35 USC §§ 112, 102, and 103 is noted and appreciated.

Claim 20 stands objected to as containing an informality. Claim 20 has been amended so that it now properly depends from claim 10.

Claims 1-3, 9-12, 16-17 and 20-21 stand rejected under 35 USC 103(a) as being unpatentable over Floyd in view of Mohr et al (US Patent No. 6,826,727). The rejection of claims 1 and 10 is respectfully traversed for the reasons given below.

Regarding independent claims 1 and 10, the Examiner has cited Mohr et al, column 40, lines 13-20 as a teaching of "explicit client properties" that, when combined with the teachings of Floyd render these claims unpatentable.

The relevant section of Mohr et al is reproduced below and refers only to a type of browser and screen size:

Next, if possible, step 484 queries the client computer 472 to find out its screen size and if possible other parameters about it, such as the browser it is using. If such information cannot be obtained the job will be run with default values that are considered to provide the best overall results for most client computers. If the query does provide information, such as screen size, the dynamically created web pages can be sized to such a resolution. (emphasis added)

Claims 1 and 10, however, contain all of the following bona fide claim limitations:

whether the client is a network appliance, a dial-up connected device or a high speed networked device;

an amount of bandwidth available to the client; and

Serial No. 09/772,038
Reply to Office Action of January 13, 2005

a set of physical properties associated with an output device associated with the client.

It is respectfully submitted that all of the teachings found in Mohr et al are directed only to the third of three claimed elements reproduced above, viz. the "set of physical properties associated with an output device". All of the claimed limitations must be considered in determining the patentability of the claims and none can be ignored.

Mohr et al is silent with regards to the other two claimed elements that are deemed to be separate limitations and not part of the third claimed element, viz. whether or not the client is "a network appliance, a dial-up connected device or a high speed networked device" and the amount of bandwidth available to the client.

It is further deemed that the actual teachings of Mohr et al concerning screen size and browser type do not suggest the other two claimed elements. The Examiner has not provided any references other than the assertion that it would have been obvious to combine the two cited references to provide a publishing system that "adapts to specific client capabilities". However, Applicants are not merely claiming that the system "adapts to specific client capabilities" but rather are claiming an invention with all of the recited claimed limitations found in claims 1 and 10 as discussed above.

The combination of Mohr et al with Floyd as suggested by the Examiner thus fails as a proper combination under 35 USC 103(a) in that the resulting combination does not teach or suggest all of the claimed limitations found in claims 1 and 10.

The remaining dependent claims are deemed to be allowable as being dependent upon either allowable base claim or base claim 10.

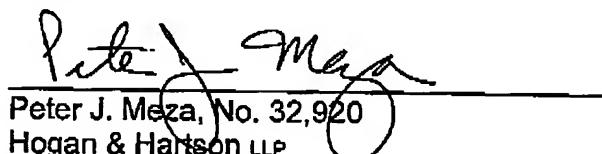
Serial No. 091,772,038
Reply to Office Action of January 13, 2005

In view of all of the above, all of the pending claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

3/14, 2005


Peter J. Meza, No. 32,920
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5906 Tel
(303) 899-7333 Fax